

REMARKS

In the Office Action,¹ the Examiner rejected claims 1-5, 7, 8, 10-12, 14-16, 18-22, 24, 25, 27-29, 31-33, 35-39, 41, 42, 44-46, and 48-50 under 35 U.S.C. § 103(a) as being unpatentable over International Publication No. WO 02/27486 to Barber ("Barber") in view of U.S. Patent No. 6,792,577 by Kimoto ("Kimoto"). Claims 1-5, 7, 8, 10-12, 14-16, 18-22, 24, 25, 27-29, 31-33, 35-39, 41, 42, 44-46, and 48-50 remain pending.

Applicants respectfully traverse the rejection of claims 1-5, 7, 8, 10-12, 14-16, 18-22, 24, 25, 27-29, 31-33, 35-39, 41, 42, 44-46, and 48-50 under 35 U.S.C. § 103(a) as being unpatentable over Barber in view of Kimoto. No *prima facie* case of obviousness has been established. To establish a *prima facie* case of obviousness, the prior art references must teach or suggest all the claim limitations. See M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). Here, no *prima facie* case has been established at least for the reason that the prior art, taken individually or in combination, fails to teach or suggest each and every element recited by the claims.

Independent claim 1 calls for a combination including, for example, a "method for communicating a data element in an ASN.1 PER standard format in a way that does not identify the format of the element" (emphasis added). Regarding the claimed "ASN.1 PER standard format," the Examiner merely asserts "See Applicant's background". Office Action at 3. Although Applicant's background discusses ASN.1 standard format, nothing in the prior art of record teaches or suggests the unique combination of features using ASN.1 format to communicate "in a way that does not identify the format of the element." Accordingly, the Examiner's rejection of claim 1 is improper.

¹ The Office Action may contain statements characterizing the related art, case law, and claims. Regardless of whether any such statements are specifically identified herein, Applicant declines to automatically subscribe to any statements in the Office Action.

Moreover, independent claim 1 recites “creating a unique identifier, the unique identifier specifying the format of [a] data element and identifying, using recursion, whether the data element references itself” (emphasis added). In response to Applicant’s previous remarks, the Examiner points to Barber, stating “See page 12, lines 30-35, *generates a unique identifier that serves as a label associated with a software component*, See page 9, lines 20-31 and page 21-22” (emphasis in original, Office Action at 3). However, Barber provides no mention whatsoever of “recursion.” Further, Barber’s general teaching of a “unique identifier” does not constitute a teaching or suggestion of “identifying . . . whether the data element references itself,” as recited by amended claim 1 (emphasis added).

Kimoto fails to cure the deficiencies of Barber, nor does the Examiner rely on Kimoto for such teachings. That is, Kimoto also fails to teach or suggest at least a “method for communicating a data element in an ASN.1 PER standard format in a way that does not identify the format of the element” and “creating a unique identifier, the unique identifier specifying the format of [a] data element and identifying, using recursion, whether the data element references itself,” as required by claim 1. For at least the reason that the prior art of record fails to teach each and every element of claim 1, no *prima facie* case of obviousness has been established with respect to independent claim 1. Independent claims 10, 18, 27, 35, and 44, although of different scope than claim 1, patentably distinguish from the prior art for at least the same reasons as claim 1. Claims 2-5, 7, 8, 11, 12, 14-16, 19-22, 24, 25, 28, 29, 31-33, 36-39, 41, 42, 45, 46, 48, and 49 depend from one of independent claims 1, 10, 18, 27, 35, and 44 and therefore include all of the elements recited therein. Claims 2-5, 7, 8, 11, 12,

14-16, 19-22, 24, 25, 28, 29, 31-33, 36-39, 41, 42, 45, 46, 48, and 49 are thus allowable at least due to their dependence. Applicants therefore respectfully request the Examiner to reconsider and withdraw the rejection of pending claims 1-5, 7, 8, 10-12, 14-16, 18-22, 24, 25, 27-29, 31-33, 35-39, 41, 42, 44-46, and 48-50 under 35 U.S.C. § 103(a) as being unpatentable over Barber in view of Kimoto.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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